

These minutes were approved 7.8.2021

## **MINUTES OF THE CONFERENCE CALL MEETING**

Board of Alcohol and Drug Counseling

January 14, 2021

### **1. ROLL CALL**

The meeting of the Board of Alcohol and Drug Counseling was called to order by Lori Cleveland, Chair, at 9:06 a.m., in the Lower Level B, Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. In accordance with § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were 1) mailed to the Board members and other interested parties, and 2) posted on the DHHS web site at <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx> and on the bulletin board in the Licensure Unit Lobby on 1.6.2021.

The following members answered roll call:

#### **Members Present (8):**

Brian Bierschenk, Member  
Christine Chasek, Member  
Lori Cleveland, Chair (in room)  
Jill Colegrove, Member  
Amy Eigenberg, Vice Chair  
Victor Gehrig, Member (in room)  
Natasha Robinson, Member  
Mary Sneckenberg, Member

#### **Members Absent (0):**

#### **Staff Present (6):**

Kris Chiles, Program Manager, Licensure Unit (in room)  
Mindy Lester, Assistant Attorney General (in room)  
Anna Harrison, Compliance Monitor, Licensure Unit (via phone)  
Suzanna Glover-Ettrich, DHHS Attorney (via phone)  
Carla Cue, DHHS Investigations (via phone)  
Mark Meyerson, DHHS Investigations (via phone)

### **2. ADOPTION OF AGENDA**

**MOTION:** Sneckenberg moved, seconded by Colegrove, to approve the agenda. A voice vote was taken. Voting aye: Bierschenk, Chasek, Cleveland, Colegrove, Eigenberg, Gehrig, Robinson, Sneckenberg (8). Voting nay: None (0). Absent: None (0). Motion carried.

### **3. APPROVAL OF MINUTES (10.8.2020)**

**MOTION:** Robertson moved, seconded by Gehrig, to approve the minutes of 10.8.2020. A voice vote was taken. Voting aye: Bierschenk, Chasek, Cleveland, Colegrove, Eigenberg, Gehrig, Robinson, Sneckenberg (8). Voting nay: None (0). Absent: None (0). Motion carried.

### **4. INVESTIGATIVE REPORTS & OTHER CONFIDENTIAL INFORMATION**

#### **CLOSED SESSION**

**MOTION:** Robertson moved, seconded by Sneckenberg, to enter into closed session at 9:10 a.m. to hear discussions of investigative/confidential nature, and for the prevention of needless injury to the reputations of the individuals. Cleveland repeated the motion purpose. A roll call vote was taken. Voting aye: Bierschenk, Chasek, Cleveland, Colegrove, Eigenberg, Gehrig, Robinson, Sneckenberg (8). Voting nay: None (0). Absent: None (0). Motion carried.

9:06 a.m. Lester exited the meeting room  
9:16 a.m. Gehrig exited the meeting room – conflict of interest  
9:31 a.m. Gehrig entered the meeting room  
9:48 a.m. Lester entered the room; Glover-Ettrich exited the call

9:55 a.m. Cue and Meyerson exited the call  
10:56 a.m. Break; Robertson exited the call  
11:07 a.m. Meeting resumed

11:57 a.m. After Board Member agreement, Cleveland stated the meeting is now in open session  
11:57 a.m. Glover-Ettrich entered the call

Members welcomed Brian Bierschenk as the new public member of the Board. Gehrig volunteered to mentor Bierschenk.

## **5. REVIEW, RECOMMENDATIONS AND REPORT OUT**

### **OPEN SESSION: Applications, Summary of Mail Ballot Votes and Reinstatements**

#### Reinstatements

##### **Kathy Carr, LADC Reinstatement after CDAC Revocation**

**MOTION:** Colegrove moved, seconded by Sneckenberg, to recommend deferring the application review and requested additional information. A roll call vote was taken. Voting aye: Bierschenk, Chasek, Cleveland, Colegrove, Eigenberg, Sneckenberg (6). Voting nay: None (0). Abstain: Gehrig (1). Absent: Robinson (1). Motion carried.

##### **Jaclyn Kiser, PLADC Reinstatement after Voluntary Surrender**

**MOTION:** Gehrig moved, seconded by Bierschenk, to recommend deferring the application review and requested additional information. A roll call vote was taken. Voting aye: Bierschenk, Chasek, Cleveland, Colegrove, Eigenberg, Gehrig, Sneckenberg (7). Voting nay: None (0). Absent: Robinson (1). Motion carried.

#### Applications with convictions

##### **Sara Chavez, LADC Applicant**

**MOTION:** Gehrig moved, seconded by Colegrove, to recommend deferring the application review and requested additional information. A roll call vote was taken. Voting aye: Bierschenk, Chasek, Cleveland, Colegrove, Eigenberg, Gehrig, Sneckenberg (7). Voting nay: None (0). Absent: Robinson (1). Motion carried.

##### **Kenya Sanderson, PLADC Applicant**

**MOTION:** Gehrig moved, seconded by Bierschenk, to recommend issuing the license with no terms or conditions. A roll call vote was taken. Voting aye: Bierschenk, Chasek, Cleveland, Colegrove, Eigenberg, Gehrig, Sneckenberg (7). Voting nay: None (0). Absent: Robinson (1). Motion carried.

##### **Abigail Frank, PLADC Applicant**

**MOTION:** Colegrove moved, seconded by Gehrig, to recommend deferring the application review and requested additional information. A roll call vote was taken. Voting aye: Bierschenk, Chasek, Cleveland, Colegrove, Eigenberg, Gehrig, Sneckenberg (7). Voting nay: None (0). Absent: Robinson (1). Motion carried.

##### **Jill Granillo, PLADC Applicant**

**MOTION:** Colegrove moved, seconded by Bierschenk, to recommend issuing the license with no terms or conditions. A roll call vote was taken. Voting aye: Bierschenk, Chasek, Cleveland, Colegrove, Eigenberg, Gehrig, Sneckenberg (7). Voting nay: None (0). Absent: Robinson (1). Motion carried.

##### **Mickey Skelton, PLADC Applicant**

**MOTION:** Colegrove moved, seconded by Gehrig, to recommend a 1-year probation with the following terms and conditions: Abstain from alcohol and controlled substances, submit to random body fluid screens, comply with all treatment recommendations and those in the future, and the standard terms and conditions of probation. A roll call vote was taken. Voting aye: Bierschenk, Chasek, Cleveland, Colegrove, Eigenberg, Gehrig, Sneckenberg (7). Voting nay: None (0). Absent: Robinson (1). Motion carried.

**Corey Earlywine, PLADC Applicant**

**MOTION:** Gehrig moved, seconded by Colegrove, to recommend denial of the application due to 1) conviction history and the nature of the convictions; 2) multiple diagnoses of substance use disorders; limited time frame of sobriety, and lack of good character. A roll call vote was taken. Voting aye: Bierschenk, Chasek, Cleveland, Colegrove, Eigenberg, Gehrig, Sneckenberg (7). Voting nay: None (0). Absent: Robinson (1). Motion carried.

**Gary Anderson, PLADC Applicant**

**MOTION:** Bierschenk moved, seconded by Gehrig, to recommend deferring the application review and requested additional information. A roll call vote was taken. Voting aye: Bierschenk, Chasek, Cleveland, Colegrove, Eigenberg, Gehrig, Sneckenberg (7). Voting nay: None (0). Absent: Robinson (1). Motion carried.

**Theresa Koehler, PLADC Applicant**

**MOTION:** Gehrig moved, seconded by Bierschenk, to recommend deferring the application review and requested additional information. A roll call vote was taken. Voting aye: Bierschenk, Chasek, Cleveland, Colegrove, Eigenberg, Gehrig, Sneckenberg (7). Voting nay: None (0). Absent: Robinson (1). Motion carried.

**6. UPDATES REPORTS**

- a. COVID 19: Executive Orders and FAQ's <https://dhhs.ne.gov/Pages/COVID-19-Nebraska-Guidance-Documents.aspx>

Chiles reported that updated information relating to the current State of Emergency, Executive Orders, and Directed Health Measures can be viewed on the website.

- b. **172 NAC 15 and 16 Status (Discussion of suggested changes requested by the Attorney General and approval of revised regulations)**

Chiles provided the following information:

The Attorney General's office has reviewed the regulations and has requested changes to 3 sections before they will approve. The changes are listed below (in red font) with the reason for the change:

**Revision #1:**

Section 009.02 proposes a fee of \$25 for the application; we are deleting the \$25 fee from this section.

009.01 COURSE INFORMATION. The education provider must submit the following:

- (A) The course name and course number under the educational area for which they are seeking approval;
- (B) Official course curricula for each course submitted;
- (C) Number of and type of academic credit hours for post-secondary education or clock hours for non-post-secondary education;
- (D) Course objectives and amount of instructional time based on clock hours, spent in each course objective;
- and
- (E) Signature, telephone number, and e-mail of an official of the education provider.

**009.02 FEE. Submit the application fee of \$25.**

**Reason:**

While there is statutory authority for certain fees in Neb. Rev. Stat. 38-155 (UCA) and general fee authority, the Attorney General found no specific statutory authority to charge a \$25 fee for the 270 hours application.

**Revision #2 and #3:**

012.01 COMPETENCE. An alcohol and drug counselor must not provide services for which he or she is not trained or experienced. This includes but is not limited to:

- (A) Committing any act which endangers client safety or welfare.

- (B) Failure to refer or release a client to other professionals or services if that is in the client's best interests.
- (C) Failure to consider a client as an individual and imposing on the client any stereotypes of behavior, values or roles related to race, color, religion, sex, disability, marital status, national origin, age, familial status, and ancestry.
- (D) Failure to respect the rights of the client to make the licensee's client's own decisions, to participate in any plans made in his or her interest, and to reject services.
- (E) Failure to assess personal and professional strengths, limitations, biases, and effectiveness on a continuing basis; to strive for self-improvement; and to assume responsibility for professional growth through further education and training.
- (F) Failure to follow procedures and policies of the agency or employer to ensure safety of the client.

Reason:

There should be a comma between 'marital status' and 'national origin' in item (C); and the language in item (D) was intended to reference the rights of a client to make his or her (the client's) own decision.

**MOTION:** Bierschenk moved, seconded by Gehrig, to approve 172 NAC 15 with the suggested changes requested by the Attorney General's Office. A roll call vote was taken. Voting aye: Bierschenk, Chasek, Cleveland, Colegrove, Eigenberg, Gehrig, Sneckenberg (7). Voting nay: None (0). Absent: Robinson (1). Motion carried.

**c. Discussion Relating to Developing a Jurisprudence Examination**

Chiles suggested she would send copies of current jurisprudence examinations used by other professions as examples.

**d. Justice Behavioral Health Committee Report:** No report available, as committee did not meet during the 4<sup>th</sup> quarter of 2020.

**e. International Certification & Reciprocity Consortium (IC&RC)** <https://internationalcredentialing.org>

Robinson was not present to provide an update.

**f. Reports: Disciplinary and Non-Disciplinary Actions, License Statistics, Examination Statistics, and Administrative Fees:**

Report dates: 1.1.2020 to 12.31.2020

Active License Stats: 716 ADC  
423 PLADC

Examination Stats: 41 passed IC&RC examination  
6 failed

Disciplinary and Non-Disciplinary Actions: 9 probation  
2 revocation  
1 censure/civil penalty

**7. ANNUAL BUSINESS**

**a. Approval of Method of Noticing Meeting Agendas**

Current process is post the agendas on the Licensure Unit's website, in the lobby of the Licensure Unit or have individuals on a mailing list.

**MOTION:** Gehrig moved, seconded by Sneckenberg to approve the current method of noticing meeting agendas. A roll call vote was taken. Voting aye: Bierschenk, Chasek, Cleveland, Colegrove, Eigenberg, Gehrig, Sneckenberg (7). Voting nay: None (0). Absent: Robinson (1). Motion carried.

**b. Board member Per Diems and Compensation Recommendations (Neb. Rev. Stat. 38-171)**

Deferred to a future meeting to allow Board review.

**c. 2021 Meeting Dates to Approve (suggested dates 4.8.2021, 7.8.2021, 10.7.2021)**

Members agreed to the suggested dates with a change to October's meeting date: **10.14.2021**

**d. Elections and Appointments**

- Election of Officers

Election of 2021 slate of officers tabled

- Appointment of Investigative Consultant, Education Reviews, IC&RC Representative

Investigative Consultant:	Chasek
Education Reviews:	Eigenberg
IC&RC Representative:	Robertson

**8. ADJOURNMENT**

Cleveland advised that the next meeting will be in April 8; there being no further business to discuss she declared the meeting adjourned at 1:11 p.m.

Submitted by:

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Lori Cleveland, Chair  
Board of Alcohol and Drug Counseling

Summarized by:  
Kris Chiles, Program Manager, Licensure Unit